



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____ x

STANLEY HENDERSON,

Plaintiff,

-against-

05 Civ. 213 (CM)(LMS)

STATE OF NEW YORK, et al.,

Defendants.

_____ x

ORDER

McMahon, J.:

On June 13, 2006, this Court issued an order directing Sherri Hatton, Esq., to appear before this court on June 20, 2006, at 9:30a.m., to show cause why she should not be held in civil contempt for failing to obey the Court's prior orders directing her to turn over plaintiff's file.

On July 20, 2006, Ms. Hatton failed to appear at 9:30a.m. – defying yet another order of the Court – and at 10:30a.m., a warrant issued for her arrest. Ms. Hatton was promptly arrested by the United States Marshal's Service ("USMS") at 11:30a.m., and brought before the court at 2:00p.m. With the help of the USMS, Ms. Hatton brought plaintiff's file with her to court.

Although Ms. Hatton was clearly guilty of civil contempt for having failed to comply with the court's orders, she effectively purged the contempt when she presented the file to the court. Accordingly, the only sanction for her contemptuous behavior is that Ms. Hatton is directed to pay the cost incurred by the USMS, as a result of having to serve her with court orders on two occasions and having to arrest her another. The Marshal's Service calculates its costs to be \$791.00. (See Attached USMS Fee Schedule Worksheet). Ms. Hatton has agreed to this sanction.

Accordingly, Sherri Hatton is directed to pay \$791.00 in prosecution costs to the Clerk of the Court, for further disbursement to the USMS. Those costs are to be paid within 30 days of this judgment.

This constitutes the order of the Court.

July 21, 2006

A handwritten signature in black ink, appearing to be "C. McMahon", written over a horizontal line.

U.S.D.J.

BY FAX TO:

Sherri Hatton, Esq.
Susanne Brody, Esq.
Thomas M. Gambino, Esq.
Kevin McCaffrey, AAG

BY FIRST CLASS MAIL TO:

Stanley Henderson, plaintiff

FEE SCHEDULE WORKSHEET

Case No.: 05 CV 213 (CM) Date July 20th, 2006

Type of Process Service of Two Court Orders & One Civil Arrest Warrant
For Sherri Hatton Esq.

Start Time: _____ End Time: _____

Name of DUSM

Man.	1.	Jhovanny Gomez	<u>5</u> hours @ \$45.00/hour = \$	225.00
Man.	2.	James Howard	<u>5.5</u> hours @ \$45.00/hour = \$	247.50
Man.	3.	Jonathan Lemay	<u>1.5</u> hours @ \$45.00/hour = \$	67.50
W.P.	4.	Caitlin Duncan	<u>3</u> hours @ \$45.00/hour = \$	135.00
W.P.	5.	Larry Nevins	<u>2</u> hours @ \$45.00/hour = \$	90.00
	6.		_____ hours @ \$45.00/hour = \$	
	7.		_____ hours @ \$45.00/hour = \$	
	8.		_____ hours @ \$45.00/hour = \$	
	9.		_____ hours @ \$45.00/hour = \$	
	10.		_____ hours @ \$45.00/hour = \$	
TOTAL				= \$ 765.00

Roundtrip Mileage: 40 @ \$.445 = \$ 17.80 Parking: _____ Tolls: _____
White Plains 20 8.90 **Total** **26.70**
 Other (Specify) _____ Total Misc. Expenses: _____

TOTAL EXPENSES= \$ **791.70**

Revised 2/9/04

** TOTAL PAGE. 02 **